IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT PETITION NO.67 OF 2004

IN

SUIT NO.2429 OF 1997

...

Mrs.Naina Deepak Kamani ...Petitioner

v/s.

M/s.Janson Engineering Pvt.Ltd.

and ors. ...Respondents

...

Mr.Sheetal Kumar i/b M.M.Patel & Co. for the Petitioner.

None for the Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 15TH JANUARY,2007

P.C.:

This petition is filed on the allegation that the

Respondent No.7 had changed the user of the premises after the formal possession was taken over by the Receiver pursuant to the order passed by the learned single Judge of this court.

2. By that order the Receiver was appointed and the Receiver was directed to take possession from Respondent No.7/ Kanojia and then appoint him agent of the Receiver.

3. But that order passed by the learned Single Judge has been modified by the Division Bench by order passed in Review Petition No.44 of 2000 dated 20-1-2005 and the Division Bench though continued appointment of the Receiver, has directed that the Respondent No.7 should be continued in possession. Even according to the Petitioner, when the order dated 20-1-2005 was passed, the Respondent No.7-Kanojia had already changed the user of the flat unauthorisedly and contrary to the court's order. If that is so, it was a relevant development. As the court directed continuation of the Respondent No.7 in possession in subsequent order dated 20-1-2005, in my opinion, it will not be appropriate to initiate the proceedings under the Contempt of Court Act against

the Respondent No.7. Petition disposed of.

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